



PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 060282.00294
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]		Application Number: 10/079,426
on _____		Filed: February 22, 2002
Signature _____		First Named Inventor: Petri KOSKELAINEN, <i>et al.</i>
Typed or printed Name _____		Art Unit: 2141
		Examiner: Nicholas R. TAYLOR

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- ☐ Applicant/Inventor.
- ☐ assignee of record of the entire interest.

See 37 CFR 3.71. Statement under
37 CFR 3.73(b) is enclosed

- ☒ Attorney or agent of record.
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- ☐ Attorney or agent acting under 37 CFR 1.34.
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September 12, 2007

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NOTE: Signatures of all of the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

- ☐ *Total of _____ forms are submitted.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Petri KOSKELAINEN et al.

Art Unit: 2141

Application No.: 10/079,426

Examiner: Nicholas R. Taylor

Filed: February 22, 2002

Attorney Dkt. No.: 060282.00294

For: METHOD AND SYSTEM FOR PROVISIONING SERVICES TO A
TERMINAL

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 12, 2007

Sir:

In accordance with the Pre-Appeal Brief Conference Pilot Program guidelines set forth in the July 12, 2005 Official Gazette Notice, Applicants hereby submit this Pre-Appeal Brief Request for Review of the final rejections of claims 60-93 in the above identified application. Claims 60-93 were finally rejected in the Office Action dated March 19, 2007. Applicants filed a Response to the Final Office Action on July 18, 2007, and the Office issued an Advisory Action dated August 2, 2007 maintaining the final rejections of claims 60-93. Applicants hereby appeal these rejections and submit this Pre-Appeal Brief Request for Review.

The final Office Action rejected claims 60-63, 66-77, 80-87, and 90-93 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,697,806 of Cook ("Cook"). Applicants submit that there is clear error with regard to the anticipation of at least one element of claims 60, 74, and 90-93, upon which claims 61-73 and 75-89 are dependent.

Applicants respectfully submit that the present claims recite subject matter which is neither disclosed nor suggested by Cook. For example, Cook fails to disclose or

suggest “routing communication messages associated with said terminal via said analyzing entity to said specific one of said service processing entities within said specified communication network,” as recited in claim 60 and similarly recited in claims 74, 90, and 92. Similarly, Cook does not disclose or suggest “a sending entity configured to send messages regarding the specified service to the specific service processing entity within the specified communication network via the analyzing entity, when the request has been routed to the specific service processing entity by the analyzing entity,” as recited in claim 93 and similarly recited in claim 91.

According to embodiments of the invention, communication messages are routed via the analyzing entity to the specific one of the service processing entities within a specified communication network. More specifically, upon receipt of the request, the analyzing entity analyzes the request and decides that said requested specified service is associated to a specific one of the service processing entities of one of the communication networks. In response to the analyzing entity’s decision, communication messages associated with said terminal are routed via the analyzing entity to the specified service processing entity within the specified communication network. In other words, the request is first forwarded to the selected service processing entity in the respective network, and upon receipt of the request at the selected service processing entity the requested service is established/executed so that thereafter communication messages associated with the terminal are routed via the analyzing entity to the specified service processing entity within the specified communication network (Specification, page 14 and Figure 1).

Cook, on the other hand, fails to disclose or suggest routing communication messages associated with the terminal via an analyzing entity to a specific one of the service processing entities within the specified communication network. In fact, Cook does not disclose any elements which correspond to the service processing entities of the present invention. Cook merely discloses that, when a user requests access to services, the access network 520 processes the user access profile for the user. The access network

520 performs security measures to validate the user. The access network then binds the user to a terminal and to a service (Cook, Column 9, lines 30-35). Cook further discloses that the access network 520 includes an access server 524 which generates an available services reply, including a list of services, based on information in the user access profile. The access server 524 receives a selected service reply from the network device 512 and connects the network device 512 to the selected service provider (Cook, Column 14, lines 40-50).

Cook does not disclose or suggest that any of the requests or replies generated are routed to a service processing entity. The Office Action appears to take the position that a service provider corresponds to the service processing entities of the claimed invention. Applicants respectfully disagree with this interpretation of the claims. As discussed in the present specification, service providers (or operators of the networks) may be used to distinguish different networks (see Specification, page 11). Therefore, a service provider may be used to describe a network, but different service providers do not correspond to the claimed service processing entities. In any case, Cook does not disclose that any messages are routed to a service processing entity. Accordingly, Cook fails to disclose or suggest “routing communication messages associated with said terminal via said analyzing entity to said specific one of said service processing entities within said specified communication network,” as recited in claim 60 and the similar limitations recited in claims 74 and 90-93.

Additionally, since Cook does not disclose a service processing entity, Applicants respectfully submit that Cook cannot disclose or suggest “each network being equipped with service processing entities,” as recited in claims 60, 74, 90-93. The Office Action appears to have taken the position that the plurality of service processing entities of the present invention corresponds to blocks 530 and 540 in Figure 4 of Cook. Cook discloses that “those service networks 530 and 540 could be voice or data systems such as the PSTN, Internet, public data networks, and private data networks” (Cook, Column 9, lines

26-29). Cook does not disclose or suggest, however, that service networks 530 and 540 are equipped with service processing entities.

Therefore, Applicants respectfully submit that Cook does not disclose or suggest all of the elements of claims 60, 74, and 90-93. Accordingly, Applicants submit that the final rejections are clearly erroneous and without basis.

Claims 61-63, 66-73, 75-77, and 80-87 are dependent upon claims 60 and 74, respectively. Consequently, claims 61-63, 66-73, 75-77, and 80-87 should be allowed for at least their dependence upon claims 60 and 74, and for the specific limitations recited therein.

Claims 64-65 and 78-79 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cook in view of U.S. Patent Application Publication No. 2003/0041146 of Davis et al. ("Davis"). Claims 64-65 are dependent upon claim 60, and claims 78-79 are dependent upon claim 74. As discussed above, Cook fails to disclose or suggest all of the elements of claims 60 and 74. Moreover, Davis does not remedy the deficiencies of Cook. Davis is directed to connection allocation technology. Davis aims to overcome network difficulties by providing intelligent, high speed connection allocation. Accordingly, Davis does not address the features described above, with respect to which Cook is deficient. Thus, Applicants submit that this rejection is also clearly erroneous and without basis.

Claims 88-89 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cook in view of U.S. Patent Application Publication No. 2003/0005132 of Nguyen et al. ("Nguyen"). Claims 88-89 are dependent upon claim 74. As discussed above, Cook fails to disclose or suggest all of the elements of claim 74. Furthermore, Nguyen does not cure the deficiencies in Cook as Nguyen also fails to disclose or suggest the features of the invention discussed above. As such, the combination of Cook and Nguyen does not disclose or suggest all of the elements of claims 88-89 and, therefore, Applicants submit that the rejection is clearly improper and without basis.

For at least the reasons discussed above, Applicants respectfully submit that the present claims recite subject matter which is neither disclosed nor suggested by the cited prior art, and that, therefore, the final rejections are clearly erroneous and without basis. It is therefore respectfully requested that all of claims 60-93 be allowed, and this application passed to issue.

Reconsideration and withdrawal of the rejections, in view of the clear errors in the Office Action, is respectfully requested. In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Enclosures: PTO/SB/33 Form
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